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SUBJECT: RS OFFICIALS PLEDGE ICTY COOPERATION TO SWCI
AMBASSADOR WILLIAMSON

REF: A. BELGRADE 1149 B. SARAJEVO 1329

Classified By: Amb. Douglas McElhaney. Reason 1.5 (b) and (d).

¶1. (U) Summary and Comment: On July 28 and from August 1-2 Ambassador-at-Large for War Crimes Issues Clint Williamson met with GBiH and Republika Serpska (RS) officials in Sarajevo and Banja Luka. Both GBiH and RS officials affirmed their commitment to ICTY cooperation, and all agreed with Ambassador Williamson's suggestion that their efforts would benefit from regional coordination. Nonetheless, Bosniak and Serb politicians, as well as the executive and judicial officials, stressed different issues in their meetings with Ambassador Williamson. President Tihic said that BiH police reform was critical to inter-entity and inter-state efforts to apprehend war criminals, and was skeptical that Kostunica was truly committed to implementing Serbia's plan to capture Mladic. RS Premier Dodik saw ICTY cooperation as an avenue for improving his relations with the international community.

He characterized the PIFWC support networks in the RS as decimated by recent arrests. RS President Cavic portrayed himself as a martyr, claiming that if he lost in the October election it would be largely due to his support for ICTY cooperation. RS Interior Minister Cadjo said it was unfair place all responsibility for apprehensions on the RS, and that State-level agencies also must pull their weight in the hunt for PIFWCs. State Intelligence Agency Head Dzuvo said apprehending PIFWCs was a political issue, suggesting that Serbian authorities could deliver Mladic and Karadzic whenever they wished. BiH State Court officials said that sentencing inequities and lack of resources were the main challenges facing the War Crimes Chamber.

¶2. (C) Comment: When it comes to PIFWC issues, BiH officials know exactly what the international community wants to hear. Therefore, it is no surprise that RS officials responded to Ambassador Williamson's message about cooperation and commitment with the same enthusiasm as the GBiH officials. However, GBiH officials are clearly skeptical that the RS government is genuinely prepared to commit operational resources and political capital to this effort, when it has not done so in the past. They are equally doubtful about Serbia's sincerity. RS officials' criticisms of State-level

law enforcement institutions have some merit. They must also pull their weight if in the effort to apprehend PIFWCs and shut down their support networks is to succeed. Continued U.S. engagement will be necessary to ensure that all the players within BiH translate their words into deeds. End Summary and Comment.

¶3. (U) During his first visit to Bosnia in his role as Ambassador-at-Large for War Crimes Issues, Clint Williamson met in Banja Luka on July 28 with: RS Premier Milorad Dodik; RS President Dragan Cavic and his Political and Security Advisor Darko Matijasevic; and RS Minister of Interior Stanislav Cado. In Sarajevo on August 1-2 he met with: GBiH Tri-Presidency Chairman Sulejman Tihic; BiH State Court President Meddzida Kreso and Chief Prosecutor Marinko Jurcevic; and State Intelligence Service Head Almir Dzuvo.

¶4. (U) Ambassador Williamson emphasized that resolving outstanding Balkan war crimes cases was a USG priority, and underlined the USG's desire to see Bosnia and Herzegovina and Serbia put this issue behind them and advance their integration into European and Euro-Atlantic institutions. Stressing the Secretary's commitment to sustaining the momentum generated by her positive meeting with Serbian Premier Vojislav Kostunica in Washington, and the release of Serbia's action plan for apprehending Ratko Mladic and other fugitive indictees (ref. A). Williamson said the USG was prepared to commit resources to enhance Bosnia's ICTY cooperation. New USG initiatives included organizing a regional war crimes prosecutors' conference, and creating a regional S/WCI liaison FSN position to help embassies and the Department identify avenues to facilitate internal and cross-boarder progress on PIFWCs.

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TIHIC: POLICE REFORM CRITICAL TO WAR CRIMES EFFORTS

¶5. (U) BiH Tri-Presidency Chairman Sulejman Tihic thanked Ambassador Williamson for the USG's strong and sustained support to The Hague Tribunal and the BiH War Crimes Chamber.

He expressed appreciation that Ambassador Williamson recognized the importance of also apprehending Radovan Karadzic. He said war criminals like Mladic and Karadzic must not go down in history as heroes, adding that it was unfortunate Milosevic died before receiving a verdict.

¶6. (U) Tihic said BiH police reform was critical to the hunt for war criminals, because at present the confusing relationship between State, entity and cantonal authorities was a major impediment to effective law enforcement. While agreeing that the RS was not doing enough, Tihic also criticized State-level institutions, specifically SIPA and OSA, for failing to produce any concrete results.

¶7. (C) Tihic said he would wait and see how committed Kostunica was to implementing Serbia's plan to capture Mladic. He added that if the RS and Serbia would make a full and honest commitment to the task, it would be easy to capture the remaining PIFWCs. He cautioned the USG not to "settle for half" by indicating, as he thought the Europeans were, that capturing Mladic would enable Serbia to "check that box" and move forward with the NATO and EU integration process.

¶8. (C) Tihic speculated that the Orthodox Church was supporting Karadzic, and thanked the USG for urging the Church to speak out against him. Tihic also asked Ambassador Williamson to press RS and Serbian authorities to divulge the location of all mass graves, explaining that it was difficult for Bosnia to look towards a better future when each time a new grave was found it dragged people back to the painful past.

DODIK: RS (AND KOSTUNICA) FULLY COMMITTED TO ICTY COOPERATION

¶9. (U) RS Prime Minister Milorad Dodik, fresh from a meeting with Serbian Premier Vojislav Kostunica on July 28, assured Ambassador Williamson that Kostunica was committed to fulfilling completely Serbia's ICTY responsibilities that Serbian police were close to locating Mladic and the people around him. Dodik expressed his wish to improve his relations with the international community, particularly the Europeans, by seeing all fugitives within the RS transferred to the ICTY while he was in office. Dodik added that he was also prepared to take action against Karadzic and Mladic, even "the day before BiH elections."

¶10. (U) Dodik expressed concern that once Mladic was transferred to The Hague, the full burden for apprehending Karadzic would fall unfairly on the RS. To avoid this scenario, Dodik proposed the formation of a joint undercover police unit with members from all of the countries of the region. Dodik said he was willing to spearhead the effort, which he also discussed with Kostunica. He assured Ambassador Williamson that the international community would have strong oversight over the unit.

¶11. (C) Dodik described his efforts to enlist assistance from the Serbian Orthodox Church, particularly Bishop Grigorije of Trebinje and Bishop Vadilije (Kacavenda) of Bijeljina, on PIFWCs. Dodik said that during their visit to Bijeljina, Kacavenda had promised Dodik and Kostunica that he would appeal to the fugitives to surrender. However, Dodik was skeptical that such an appeal would work, given that Karadzic had remained at large even after his own wife called for his surrender. As an aside, Dodik said Karadzic's daughter asked him to allow the RS government to resume paying her father's pension and providing health care to the family. Dodik said he would like to help her, but worried that such a gesture might be problematic.

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¶12. (U) Dodik believed that much of Karadzic's support network in the RS had been shut down. Network kingpin Momcilo Mandic was on trial in the BiH War Crimes Chamber, and two key members of the support network with RS ties were now in Serbia -- Ljuban Ecim, former Banja Luka police chief, and Karadzic's Police Minister Dragan Kijac. Dodik added that Serbia had shown its willingness to hit the support network by its recent arrest of former RS Premier Gojko Klinkovic. Klinkovic was currently in Serbian custody, but would soon be extradited to the BiH War Crimes Chamber for trial.

CAVIC: PIFWC ISSUES RIPE FOR POLITICAL MANIPULATION

¶13. (C) RS President Dragan Cavic told Ambassador Williamson there was full political consensus in the RS for fulfilling its responsibilities under the 2004 RS National Assembly (RSNA) resolution supporting ICTY cooperation, but that the key would be operational work. Cavic said that RS officials had located Zupljanin on three separate occasions, only to see him escape "by millimeters."

¶14. (U) Cavic recounted the RS efforts to date on ICTY cooperation, including its role in the recent transfer of Dragan Zelenovic from Russia to The Hague (ref. B). Cavic dismissed assertions from RS Auditor in Chief Bosko Ceko that the government had failed to account for one million BAM in funds dedicated to ICTY cooperation. He agreed that shutting down PIFWC support networks was an important issue, but cautioned that the scope of the networks should not be overestimated.

¶15. (C) Cavic noted that the issue of Serbia-RS cooperation on PIFWCs was ripe for political manipulation. Some politicians in Sarajevo would be happy to see Belgrade's efforts fail, as it would result in additional pressure being placed on the RS. Cavic said he could lose in the October elections, in large measure because of his positions on ICTY cooperation, defense reform and admission of the crimes at

Srebrenica, but he was prepared for such an outcome. He concluded by saying that the USG could be certain that he and his Security Advisor Matijasevic were prepared to offer the U.S., and newly-appointed RS Interior Minister Cadjo, whatever support was necessary to strengthen ICTY cooperation.

CADJO: STATE INSTITUTIONS HAVE TO PULL THEIR WEIGHT ON PIFWCs

¶16. (U) During the meeting with RS Minister of Interior Stanislav Cadjo, Cadjo assured Ambassador Williamson that apprehending fugitive ICTY indictees was one of the RS Government's top four priorities, along with fighting organized crime, combating terrorism and eliminating corruption. The RS Interior Ministry had formed an elite special police unit, dedicated to locating and apprehending ICTY fugitives. This unit, according to Cadjo, was prepared to work closely with foreign law enforcement services. He described his current relations with Serbia's Security Information Agency (BIA) as "correct," and noted also the importance of establishing cooperative ties with new Montenegrin institutions.

¶17. (U) Cadjo pointed out, however, that it was unfair to place all responsibility in BiH for locating fugitives on RS authorities. State-level agencies, particularly the State Information and Protection Agency (SIPA), State Intelligence Agency (OSA), and the State Border Police (SBP) needed to pull their weight in the effort to find PIFWCs. Cadjo added that he had no indication that his units were failing in their PIFWC responsibilities, and asserted that he would sanction such failure should it come to his attention.

DZUVO: PIFWCs ARE A POLITICAL, NOT A LAW ENFORCEMENT ISSUE

¶18. (C) Head of the State Intelligence Agency (OSA) Almir Dzuvo likened PIFWCs to a cancer that must be removed. However, he thought ultimately that this was a political,

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rather than a law enforcement issue. He suggested that Serbian authorities knew exactly where Karadzic was hiding, and could deliver him any time they wished. Dzuvo told Ambassador Williamson that, according to OSA sources, Karadzic's support network had been significantly disrupted, and that Karadzic was "practically alone."

¶19. (C) Dzuvo identified several challenges within BiH. In the RS, Matijasevic was all talk and no action, and Dzuvo did not expect Cadjo to be any better. Consequently, OSA had to operate on its own in the RS, without local assistance. OSA had good relations with the State Border Service (SBS), but the SBS did not control large portions of the RS-Serbia border, and fugitives could move between the territories easily. Dzuvo also complained that information received from The Hague was often not reliable. On the positive side, the nascent Montenegrin security services appeared receptive to developing good working relations with OSA.

STATE COURT: SENTENCING INEQUITIES, INADEQUATE RESOURCES ARE MAIN CHALLENGES

¶20. (U) BiH State Court President Meddzida Kreso and Chief Prosecutor Marinko Jurcevic told Ambassador Williamson the non-extradition provisions in the Croatian and the Serbian constitutions were a major obstacle to trying cases in BiH. Kreso said that making the minimum and maximum sentence for war crimes the same within Bosnia, as well as identical to those in Serbia and Croatia, would somewhat ameliorate the problems of forum shopping. (Note: The maximum penalty for war crimes at the BiH State level is 45 years in prison, as opposed to 20 years in the RS and 15 years in the Federation. The maximum penalty in both Serbia and Croatia is 20 years. End note.)

¶21. (C) Jurcevic said his office cooperated well with the ICTY Prosecutor's Office. He supported the creation of a

regional S/WCI liaison, who could identify ways to improve the State Prosecutor's existing cooperative agreements with Serbia, Montenegro, Croatia and Macedonia on evidence sharing. However, Jurcevic told Ambassador Williamson, his greatest difficulties were internal. In particular, the resources made available by the GBiH were insufficient, given the enormity of the task. Because of this, he questioned the GBiH's commitment to seeing war criminals brought to justice.

MCELHANEY